IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 13TH JULY 2007 / 22ND ASHADHA 1929

WP(C).No. 18546 of 2004(G)

PETITIONER:

PEZHUNGATTIL ALI, S/O. ISMAIL, BACKER,
AREEKODE POST, MALAPPURAM DISTRICT.

BY ADV. SRI.C.KHALID
SRI.N.GOPINATHA PANICKER
SRI.R.O.MUHAMED SHEMEEM
SRI.T.P.SAJID (THALASSERY)

RESPONDENTS:
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1. AREEKODE GRAMA PANCHAYAT,
REPRESENTED BY THE SECRETARY, PANCHAYAT OFFICE,
AREEKODE.

2. PRESIDENT,
AREEKODE PANCHAYATH COMMITTEE, REPRESENTED BY
PRESIDENT, PANCHAYAT OFFICE, POST AREEKODE.

BY ADV. SRI.K.M.SATHYANATHA MENON FOR RESPONDENTS

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 18546/2004 G

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NO. A3. 278/04,D T. 15/3/2004 OF THE R1.

EXT.P2. COPY OF THE REPLY BY THE PETITIONER BEFORE THE R1.

EXT.P3. COPY OF THE NOTICE NO. B4/ 455/04 DT. 10/6/2004 TO THE PETITIONER.

RESPONDENT'S EXHIBITS

EXT.R1A. COPY OF THE APPLICATION DT. 26/12/97 BY THE PETITIONER TO THIS RESPONDENT.

EXT.R1B. COPY OF THE DECISION NO. IV(6) DT. 29/4/04 OF THE AREACODE GRAMA PANCHAYAT BOARD.

True copy

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THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.18546 OF 2004

Dated this the 13th day of July, 2007

JUDGMENT

This writ petition is filed seeking to quash Ext.P3 notice issued by the Secretary of the Grama Panchayat requiring the petitioner to vacate from a temporary shed. The counter affidavit filed and the materials placed therewith categorically show that the petitioner himself had agreed to vacate. This is the effect of Ext.R1(a). There is no reply affidavit on record. It is the categoric stand of the Grama Panchayat that on the basis of the decision as reflected in Ext.R1(b), the petitioner has been notified as per Ext.P3 notice to vacate. Under such circumstances, I do not find any ground to interfere with the impugned action or issue any direction as sought for.

In the result, the writ petition fails. The same is dismissed accordingly. No costs.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.